

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-18 & M-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an B-3-B (General Business) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Beginning at a point on the south right of way line of
Dalgren Avenue, said point being 12 feet west of the
northwest corner of said Lot #51 in J H Vesey's Third
Addition; thence south and parallel to the west line of
said Lot #51 and along the west line of an alley 12 feet
in width, a distance of 136 feet; thence with a
deflection angle to the right of 93 degr. 15 min. and
along the north line of an alley 12 feet in width and
parallel to the south line of Dalgren Avenue, a distance
of 122 feet to a point on the northeasterly right of way
line of Clinton Street; thence with a deflection angle to
the right of 43 degr. 35 min. 30 sec. and along the
northeast right of way of Clinton Street, a distance of
14.49 feet; thence north with a deflection angle to the
right of 43 degr. 35 min. 30 sec. and along the east
right of way line of Clinton Street a distance of 109.2
feet; thence northeasterly with a deflection angle to the
right of 34 degr. 04 min. 30 sec. and along the southeast
right of way of Clinton Street, a distance of 19.56 feet
to a point on the south right of way line of Dalgren
Avenue; thence east with a deflection angle to the right
of 58 degr. 44 min. 30 sec. and along the south right of
way line of Dalgren Avenue, a distance of 120 feet to the
point of beginning, together with Lot #16 in France
Addition, more particularly described as follows:

Beginning at the northeast corner of Lot #16 in France
Addition; thence south along the east line of Lot #16 a
distance of 40 feet to the southeast corner of Lot #16;
thence west with a deflection angle to the right of 93
degr. 15 min. and along the south line of Lot #16, a
distance of 137 feet to a point on the east right of way
of Clinton Street; thence north with a deflection angle
to the right of 87 degr. 11 min. and along the east right
of way line of Clinton Street, a distance of 28.25 feet;
thence northeast with a deflection angle to the right of
53 degr. 07 min. 30 sec. (53 degr. 41 min. deed), a
distance of 18.35 feet (18.59 feet, deed) to a point on
the north line of Lot #16; thence east with a deflection
angle to the right of 39 degr. 41 min. 30 sec. (39 degr.
08 min. deed) and along the north line of Lot #16, a
distance of 122 feet to the point of beginning.

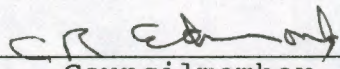
TOGETHER WITH a 12 foot vacated alley lying north of and
adjacent to Lot #16 in France Addition.

The above described real estate contains 0.69 acres.

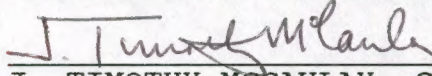
and the symbols of the City of Fort Wayne Zoning Map No. M-18
& M-22, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

#527

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Edmonds,
and duly adopted, read the second time by title and referred to the
Committee on Regulation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 12-8-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Forre,
and duly adopted, placed on its passage. ~~PASSED~~ LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>2</u>	<u>6</u>	<u>1</u>	
BRADBURY		<u>✓</u>		
EDMONDS		<u>✓</u>		
* GiaQUINTA		<u>✓</u>		
HENRY		<u>✓</u>		
* LONG			<u>✓</u>	
LUNSEY		<u>✓</u>		
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO		<u>✓</u>		

DATED: 3-9-93 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19_____
ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19_____,
at the hour of _____ o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 10944

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 11-19 1992

RECEIVED FROM London Miles \$ 200.00

THE SUM OF Two Hundred + 00/100 DOLLARS

ON ACCOUNT OF B1B to B3B

431 3030 1/4 S.W. 1/4 Twp 12

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIVED
NOV 19 1992

RECEIPT NO. _____
DATE FILED _____
INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Gordon H. Miles and Don W. Elliott

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

See attached survey and legal description (re-zoning request does not include Lot 51 in J.H. Vessey's Third Addition, it shall remain as R1)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 3030 North Clinton Street, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Gordon H. Miles

P.O. Box 121513
San Diego, CA 92112
5316 132nd Street
Omaha, NE 68137

Don W. Elliott

Don W. Elliott

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Stephen J. Wesner
(Name)

203 E. Berry St. Ste. 1414
Fort Wayne, IN 46802
(Address & Zip Code)

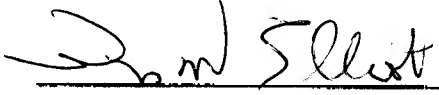
424-6277
(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

DOH W. ELLIOTT	5316 So 132 ND ST OMAHA NE 68137	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN
REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Lot #51 in J.H. Vesey's Third Addition to the City of Fort Wayne, together with part of Section 26, Township 31 North, Range 12 East in Allen County, Indiana, more particularly described as follows:

Beginning at a point on the south right of way line of Dalgren Avenue, said point being 12 feet west of the northwest corner of said Lot #51 in J.H. Vesey's Third Addition; thence south and parallel to the west line of said Lot #51 and along the west line of an alley 12 feet in width, a distance of 136 feet; thence with a deflection angle to the right of 93 degr. 15 min. and along the north line of an alley 12 feet in width and parallel to the south line of Dalgren Avenue, a distance of 122 feet to a point on the northeasterly right of way line of Clinton Street; thence with a deflection angle to the right of 43 degr. 35 min. 30 sec. and along the north-east right of way of Clinton Street, a distance of 14.49 feet; thence north with a deflection angle to the right of 43 degr. 35 min. 30 sec. and along the east right of way line of Clinton Street a distance of 109.2 feet; thence northeasterly with a deflection angle to the right of 34 degr. 04 min. 30 sec. and along the southeast right of way of Clinton Street, a distance of 19.56 feet to a point on the south right of way line of Dalgren Avenue; thence east with a deflection angle to the right of 58 degr. 44 min. 30 sec. and along the south right of way line of Dalgren Avenue, a distance of 120 feet to the point of beginning, together with Lot #16 in France Addition, more particularly described as follows:

Beginning at the northeast corner of Lot #16 in France Addition; thence south along the east line of Lot #16 a distance of 40 feet to the southeast corner of Lot #16; thence west with a deflection angle to the right of 93 degr. 15 min. and along the south line of Lot #16, a distance of 137 feet to a point on the east right of way of Clinton Street; thence north with a deflection angle to the right of 87 degr. 11 min. and along the east right of way line of Clinton Street, a distance of 28.25 feet; thence north-east with a deflection angle to the right of 53 degr. 07 min. 30 sec. (53 degr. 41 min. deed), a distance of 18.35 feet (18.59 feet, deed) to a point on the north line of Lot #16; thence east with a deflection angle to the right of 39 degr. 41 min. 30 sec. (39 degr. 08 min. deed) and along the north line of Lot #16, a distance of 122 feet to the point of beginning,

TOGETHER WITH a 12 foot vacated alley lying north of and adjacent to Lot #16 in France Addition.

The above described real estate contains 0.69 acres.

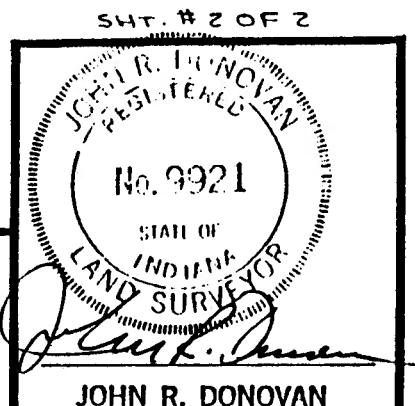
RE-CERTIFIED 10-14-92

JOB FOR: WESNER

VILLAGE INVESTMENTS INC.

WESNER-GULLEY

8-8-73
Rev. 8-20-74
REV. 10-14-92

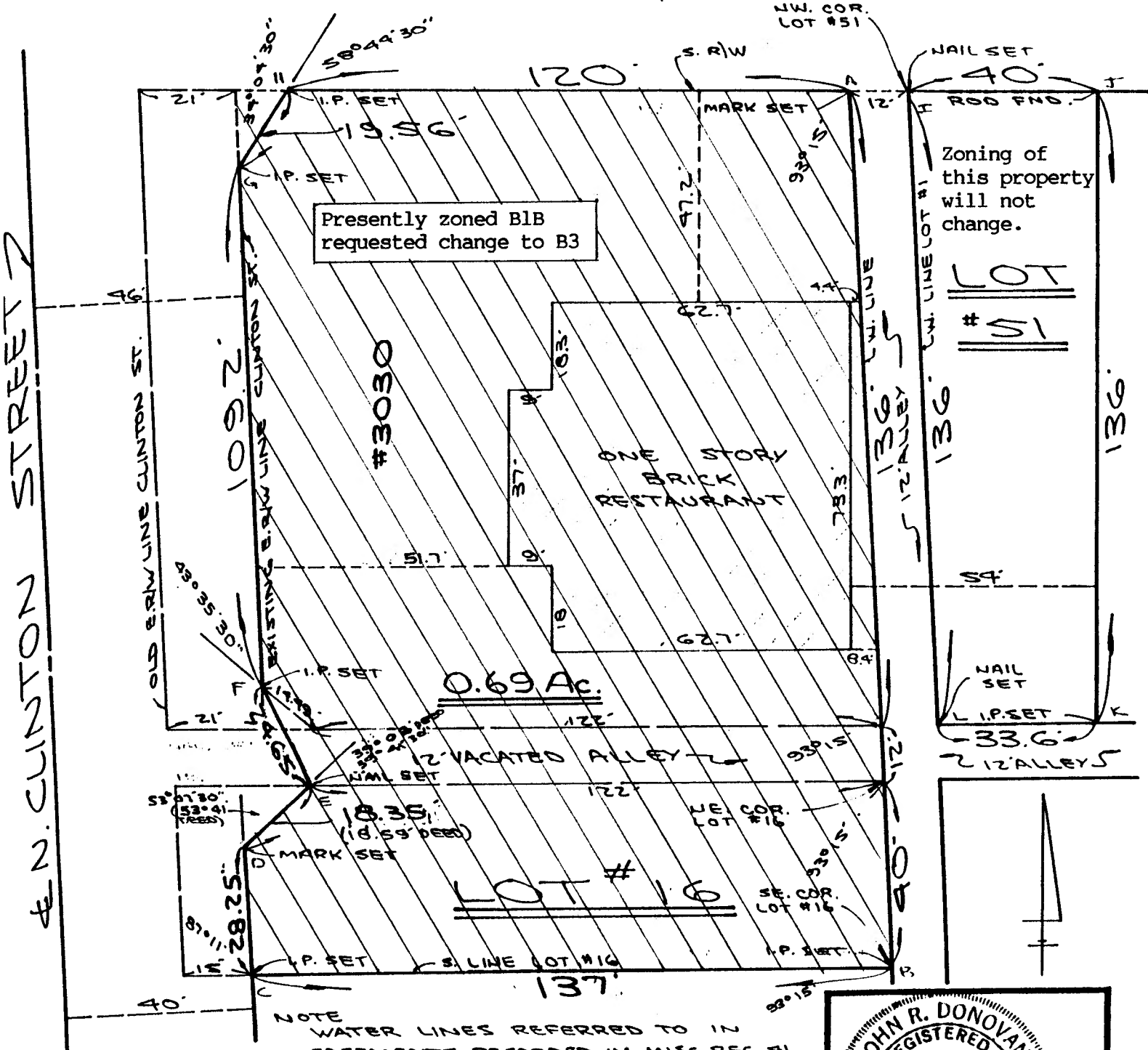


OFFICE OF:

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA
FORT WAYNE, INDIANA

The description of the real estate is as follows, to wit: SEE ATTACHED SHEET

DALGREN AVE.
S0R/W

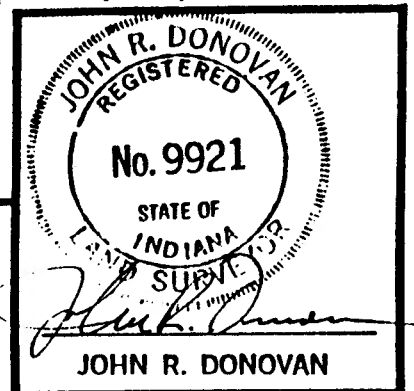


NOTE
WATER LINES REFERRED TO IN
EASEMENTS RECORDED IN MISC. REC. 41
P. 86-87, DO NOT EXIST ON THE HEREIN
DESCRIBED REAL ESTATE.

RE-CERTIFIED 10-14-92

JOB FOR: *VILLAGE INVESTMENTS INC.*
WESNER-GULLEY

11-26-74
REV. 10-14-92



PETITION FOR ZONING ORDINANCE AMENDMENT

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

I/We Gordon H. Miles and Don W. Elliott

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3 District the property described as follows:

See attached survey and legal description (re-zoning request does not include Lot 51

in J.H. Vessey's Third Addition, it shall remain as R1)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 3030 North Clinton Street, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Gordon H. Miles

P.O. Box 121513
San Diego, CA 92112
5316 132nd Street
Omaha, NE 68137

Gordon H. Miles

Don W. Elliott

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Stephen J. Wesner
(Name)

203 E. Berry St. Ste. 1414
Fort Wayne, IN 46802
(Address & Zip Code)

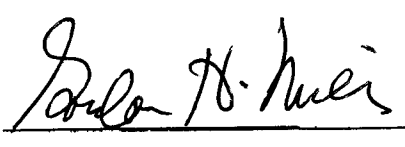
424-6277
(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

Gordon H. Miles	P.O. Box 121513 San Diego, CA 92112	
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN
REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Lot #51 in J.H. Vesey's Third Addition to the City of Fort Wayne, together with part of Section 26, Township 31 North, Range 12 East in Allen County, Indiana, more particularly described as follows:

Beginning at a point on the south right of way line of Dalgren Avenue, said point being 12 feet west of the northwest corner of said Lot #51 in J.H. Vesey's Third Addition; thence south and parallel to the west line of said Lot #51 and along the west line of an alley 12 feet in width, a distance of 136 feet; thence with a deflection angle to the right of 93 degr. 15 min. and along the north line of an alley 12 feet in width and parallel to the south line of Dalgren Avenue, a distance of 122 feet to a point on the northeasterly right of way line of Clinton Street; thence with a deflection angle to the right of 43 degr. 35 min. 30 sec. and along the north-east right of way of Clinton Street, a distance of 14.49 feet; thence north with a deflection angle to the right of 43 degr. 35 min. 30 sec. and along the east right of way line of Clinton Street a distance of 109.2 feet; thence northeasterly with a deflection angle to the right of 34 degr. 04 min. 30 sec. and along the southeast right of way of Clinton Street, a distance of 19.56 feet to a point on the south right of way line of Dalgren Avenue; thence east with a deflection angle to the right of 58 degr. 44 min. 30 sec. and along the south right of way line of Dalgren Avenue, a distance of 120 feet to the point of beginning, together with Lot #16 in France Addition, more particularly described as follows:

Beginning at the northeast corner of Lot #16 in France Addition; thence south along the east line of Lot #16 a distance of 40 feet to the southeast corner of Lot #16; thence west with a deflection angle to the right of 93 degr. 15 min. and along the south line of Lot #16, a distance of 137 feet to a point on the east right of way of Clinton Street; thence north with a deflection angle to the right of 87 degr. 11 min. and along the east right of way line of Clinton Street, a distance of 28.25 feet; thence north-east with a deflection angle to the right of 53 degr. 07 min. 30 sec. (53 degr. 41 min. deed), a distance of 18.35 feet (18.59 feet, deed) to a point on the north line of Lot #16; thence east with a deflection angle to the right of 39 degr. 41 min. 30 sec. (39 degr. 08 min. deed) and along the north line of Lot #16, a distance of 122 feet to the point of beginning.

TOGETHER WITH a 12 foot vacated alley lying north of and adjacent to Lot #16 in France Addition.

The above described real estate contains 0.69 acres.

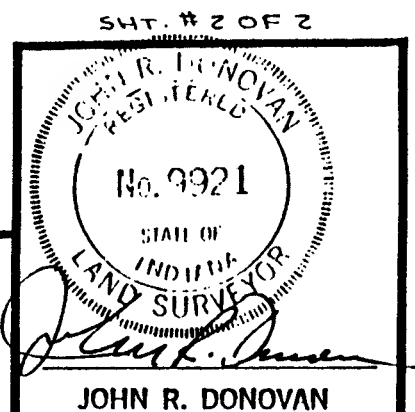
RE-CERTIFIED 10-14-92

JOB FOR: WESNER

VILLAGE INVESTMENTS INC.

WESNER-GULLEY

8-8-73
Rev. 8-20-74
REV. 10-14-92



CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA

REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

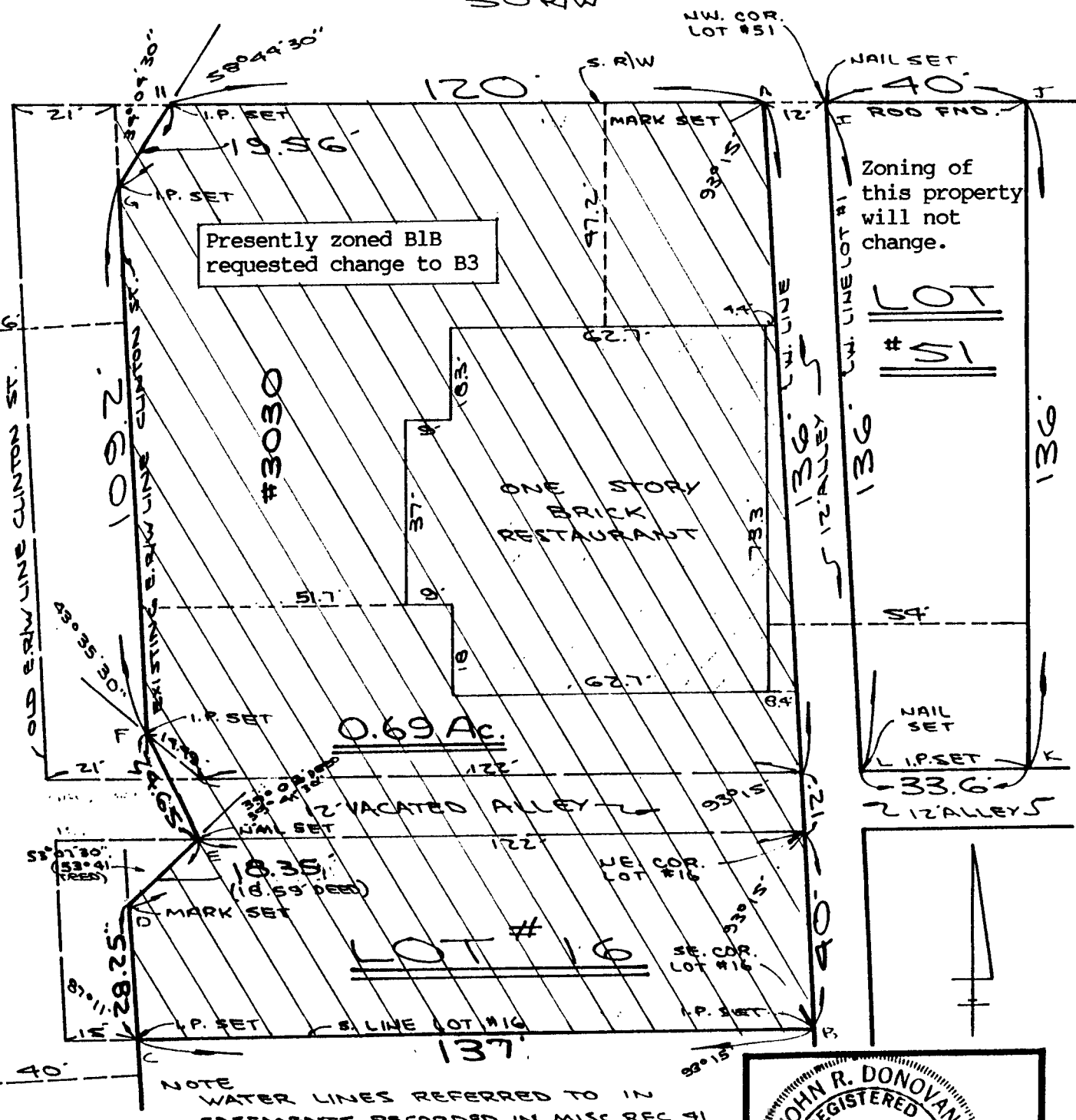
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: SEE ATTACHED SHEET

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 D, dated Sept., 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

DALGREN AVE

SOR/W



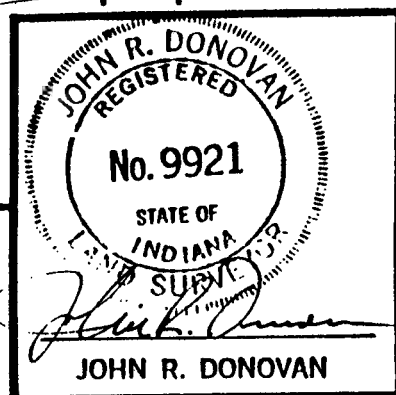
NOTE
WATER LINES REFERRED TO IN
EASEMENTS RECORDED IN MISC. REC. 41
P. 86-87, DO NOT EXIST ON THE HEREIN
DESCRIBED REAL ESTATE.

RE-CERTIFIED 10-14-92

JOB FOR: *VILLAGE INVESTMENTS INC.*

WESNER-GULLEY

11-26-74
REV. 10-14-92



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 8, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-12-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

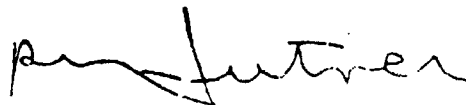
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1992.

Certified and signed this
29th day of December 1992.

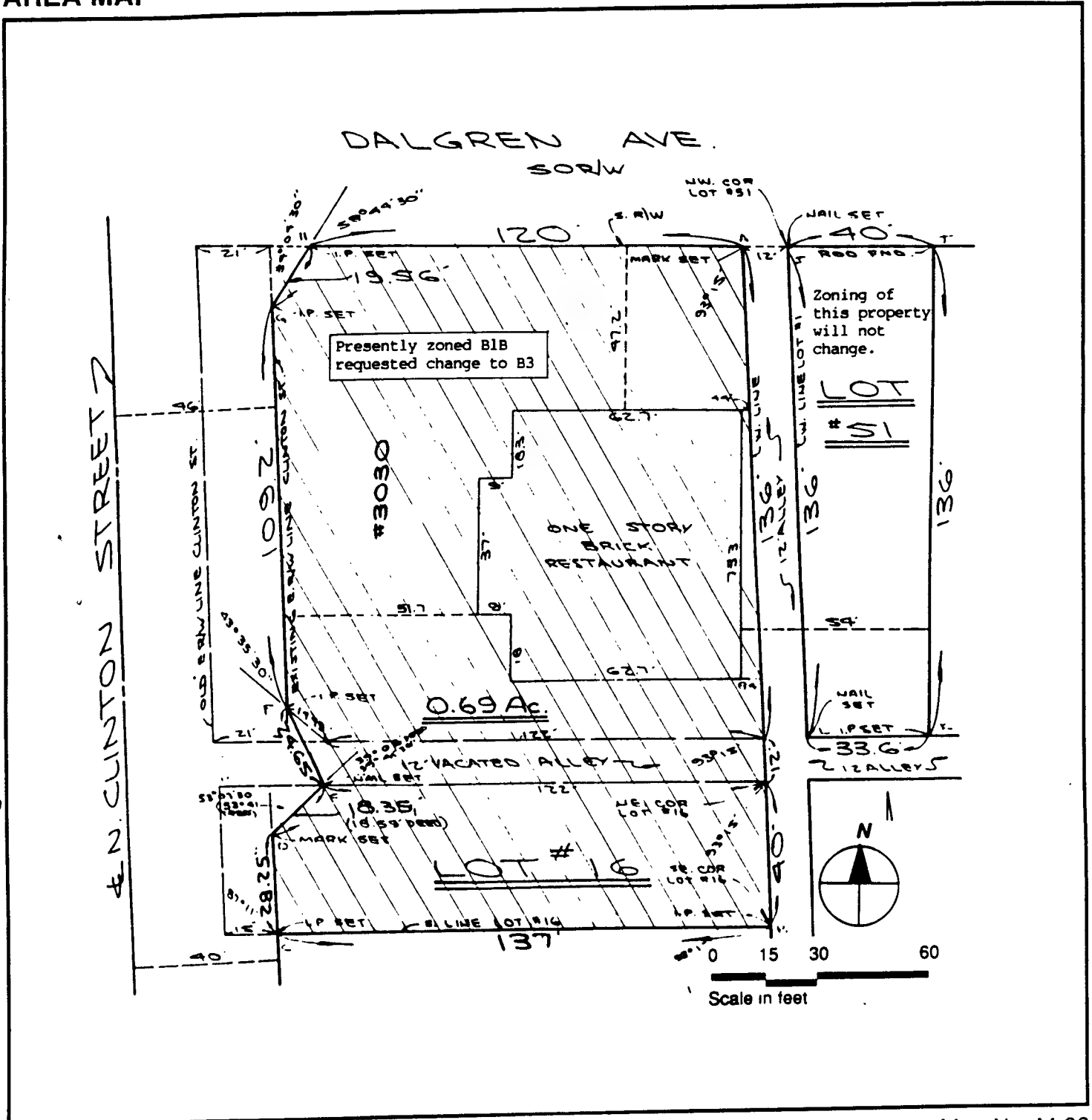


Robert Hutner
Secretary

REZONING PETITION

AREA MAP

CASE NO. #527



COUNCILMANIC DISTRICT NO. 3

Map No. M-22
LW 11-25-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

FACT SHEET

.Z-92-12-07

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From B1B to B3B

DETAILS**POSITIONS****RECOMMENDATIONS**

Specific Location and/or Address 3030 No Clinton St
Reason for Project Pawn Shop
Discussion (Including relationship to other Council actions) December 21, 1992 - Public Hearing See Attached Minutes of Meeting December 28, 1992 - Business Meeting Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the seven (7) members present, six (6) voted in favor of the motion, 1 did not vote. Motion carried.

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Gordon Miles & Don Elliott City Department Other
Opponents	Groups or Individuals See Attached Minutes Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 19 November 1992

Projected Completion or Occupancy

Date 29 December 1992

Fact Sheet Prepared by

Patricia Biancaniello

Date 29 December 1992

Reviewed by

H. J. Rauscher

Date 29 DECEMBER 1992

Reference or Case Number

b. Bill No. Z-92-12-07 - Change of Zone #527
From B1B to B3B
3030 No Clinton St

Pete Mallers, attorney, representing the owners (Gordon Miles and Don Elliot) and the proposed purchaser (James Gulley), appeared before the Commission. Mr. Mallers stated that the property is approximately .6 of an acre and was last used as the Body Works Fitness Center and has been vacant for nearly a year. He stated that Mr. Gulley intends to purchase lot 51 also, as shown on the map provided by staff. He stated however that lot 51 will not be rezoned as part of this petition. He stated that this property is located at the south edge of a very large B3B area on the east side of North Clinton, which extends north past the North Clinton Coldwater split. He stated that the B1B area, of which this property is a part, extends south to Dunnwood Drive and includes a bridal gown-formal wear and a fashion nail operation. He stated that south of Dunnwood is a nursing home. He stated that the residential area that begins south of the nursing home is approximately 350 feet from the subject property. He stated that the west side of Clinton is B1B for 200 feet then it becomes B4 to the north and B3B north of that up to Coldwater Road. The businesses in this vicinity include an auto parts store, a used car dealer, auto repair, gas station, equipment rental, car wash and numerous other businesses. He stated that they believe that this petition is in conformance with the Comprehensive Plan, in that approval would follow what clearly is a general commercial plan for this section of North Clinton. He stated that because of the contiguous area of B3B zoning to the north, they feel that approval of the petition would not establish an undesirable precedent. He stated that inasmuch as the goal for this area is to maintain investments and prevent deterioration, they believe, that filling a building that has been vacant for a year and improving the premises to make it an attractive piece of property, both support this goal. He stated that approving the rezoning and allowing the property to be occupied and improved would help preserve property values throughout the area, and could even increase the values through improvement of the property itself. He stated that Mr. Gulley is the owner of B&B Loan, which is located presently across Calhoun Street from the City-County Building. He stated that the proposed use for the property is a pawn shop. He stated that there are two key points to remember, first any fear surrounding pawn shops are based on myth not fact. Second, pawn shops are permitted in a B3B zone. He stated that so long as B3B is appropriate for this property, which they feel has been demonstrated, the rezoning petition should be approved. He stated that B&B Loan has operated in Fort Wayne since 1946. He stated that the business has grown over the years to the point where Mr. Gulley would like to open a second operation, which will also serve to protect his market. He stated that the new business will be named Fidelity Loan and it will be essentially the same operation as B&B on Calhoun Street. He stated that Mr. Gully estimates that he will spend at least \$50,000 in improving the property. He stated that the pawn shop business is a two-fold operation, it is

a banking type source of loans, regulated by the State Board Financial Institutions. He stated it is also retail merchandise sales. He stated that pawn shops are strictly regulated by state law. He stated that on a local level measures have been put in place to work with the Fort Wayne Police Department to locate and recover stolen property. He stated that daily reports on all items provided as collateral are given to the police department for cross checking purposes. He stated that individuals requesting loans must provide positive identification, vital statistics and provide their thumb prints and they must affirm that the property that they are providing as collateral is their own property. He stated that national statistics show that less than 1/10th of a percent of stolen merchandise in the United States ends up in pawn shops. He stated if stolen property is discovered there is a mechanism in place to have it returned to its rightful owner. He stated it becomes part of the crime solving network, and because of the strict measures that have been implemented most thieves avoid pawn shops. He stated that the business will be open Monday through Saturday 9 am to 6 pm. He stated that it will be well secured and will be an operation that will improve the surrounding area and not detract from it. He stated that they contacted the person who is on file as the registered representative for the Northside Triangle Association. He stated that they were willing to schedule a meeting with any interested parties to discuss the plans for this property and even to consider to enter into a covenant with the association. He stated that he spoke a couple of times with Jeff Williams, who is the association representative and was told by him that 4 people had responded to the notice that was sent indicating that they would be willing to meet. He stated that they would still meet with those 4 people at any time. He stated that he spoke with one of the 4 individuals who told him that there was no point in meeting to discuss any private covenant or discuss their plans, because the residents were going to be opposed to the proposed pawn shop in any event. He stated that they believed the property should be rezoned to B3B for the following reasons. The petition fits within the Comprehensive Plan. The existing conditions, structures and uses in the area support the proposed change in classification. The property has been vacant for a year and is seemingly undesirable except for the use which falls within the B3B zone. The fact that the property will be occupied and improved will conserve property values in the area and the continuation of a B3B area to this property, with lot 51 remaining as a residential buffer on the east, and the other B1B buffer to the south, constitutes responsible development and growth. He respectively requested that the petition be approved.

Don Schmidt stated that he understood that there would be two functions at the location, one is a banking function, one is a retail function. He questioned if it were true that if it were a retail function only you could exist in a B1B, if you were a banking function only you could also exist in a B1B.

Mr. Mallers stated that was correct.

Mr. Schmidt stated that when you put the two together you must have a B3B. He stated that the law seems inconsistent.

Mr. Mallers stated that perhaps a more appropriate placement for this business would be B1B. He stated he was unsure of the reason for the B3B requirement, it may be a combination of the two functions, it may be the fact that there is used property that is part of the retail sales. He stated that it may have something to do with the historical stigma attached to pawn shops.

The following people spoke in opposition to the proposed reclassification.

Mike Crouch, 335 Field Street
Matt Barnes, 330 Dalgren
Chris Brown, 2334 Eastbrook Dr
John Sealy, 330 Irvington Dr
Paul Pfister, 125 Norfolk Av

The concerns expressed were:

- it was stated that even though Jeff Williams was contacted, the Neighborhood Association is not a functioning one, not since the Hanchar Hazard Waste issue
- the existing traffic flow is extremely heavy and dangerous on North Clinton in this area, this type of business would only add to that hazard
- they felt the increased traffic generated would be a potential danger to the children in the area
- it was noted that they also get a great deal of cut through traffic from Spy Run to Clinton and felt that this type of business would only increase that traffic
- the type of use (pawn shop) would bring a type of client that would create a potentially dangerous element in the area
- it was noted that there is one full time police officer who checks the pawn shop receipts daily against stolen property reports
- it was pointed out that there are stolen items accepted by the pawn shop, in one month out of 1,040 tickets that the property that had serial numbers on were analyzed and 21 of these items were stolen property - it was noted by the officer that not all property has serial numbers and are traceable - it was stated that this shows that there is a relationship between pawn shops and crime
- it was stated that they find the police monitoring of a pawn shop objectionable, monitoring does not mean prevention
- they felt this use (pawn shop) was not in keeping with the development of the area
- it was noted that the Dalgren was basically the breaking off point for the B3B zoning classification in this area, that the properties south of Dalgren are B1B and lesser classifications
- it was noted that with all the uses allowed in a B1B zoning they did not feel that they should need to rezone in order to find a tenant or purchaser for this building.

In rebuttal Mr. Mallers stated that with regard to the relationship

between pawn shops and crime, he would emphasize that he also spoke with the officer assigned to policing the pawn shops, and was informed by the officer that a pawn shop is an asset to the community. He confirmed that it is part of the solution and not part of the problem, due to the methodology of recording the items that are brought in, the record keeping and the process by which they are returned to the owner. Mr. Mallers stated that with regard to traffic he spoke with Richard Bacon an engineer in the city's traffic engineering department. He stated that Mr. Bacon confirmed that the average daily traffic between State Street and the Clinton/Coldwater split is 50,848. He asked Mr. Bacon if in the event any business were to bring in up to 400 vehicles a day, which seems unlikely for the business in question, how would it affect the traffic. Mr. Bacon indicated that because of the turn lane in the middle additional traffic should have no effect at all on the overall flow. Mr. Mallers stated that you are allowed restaurants in the current classification. He stated that they would have later hours and would generate just as much traffic. He stated that you could also have a pool hall in a B1B district. He stated that they could have a liquor license and be open late hours. He stated that if they are concerned about "unsavory" characters, if they are going to make their argument on stigma and myths, perhaps a pool hall should be grouped in as undesirable. He stated that by the occupying and improving of vacant property goes a long way in solving a problem for the area. He stated that having a vacant building in that area that is close to a residential area, is more of a problem than having a pawn shop.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

#527

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3030 No Clinton Street

2-92-12-07

EFFECT OF PASSAGE Property is currently zoned B1B - Limited
Business District. Property will become B3B - General Business
District.

EFFECT OF NON-PASSAGE Property will remain B1B - Limited
Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-92-12-07

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of
Fort Wayne Zoning Map No. M-18 & M-22

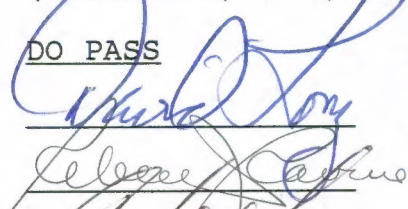
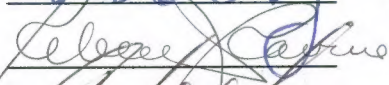
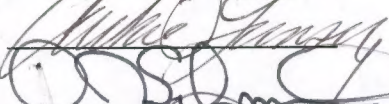
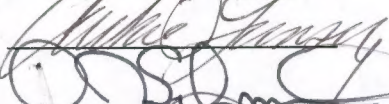
HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 2-5-93

Sandra E. Kennedy
City Clerk